

deed, until said parties shall agree to its abandonment, and the substitution of some other person, which may best promote the interest of all parties, all these matters and things this respondent being a mere Trustee, without interest, or feeling in the premises other than a desire to discharge whatever duty is incumbent on him. Submits for the consideration & action of this Honorable Court. This respondent is also a creditor of said deceased, in a small sum for professional services, which he prays leave to file the particulars of, and claim benefit under a distribution in this case.

Wm. M. Merick.

To the Honorable Madison Nelson, Circuit Judge, for the third Judicial Circuit of the State of Maryland, sitting in the Circuit Court, for Frederick County as a Court of Equity. The second amended Bill of Complaint of Allen S. Tuzum, & J. Alfred Ritter of Frederick County, State of Maryland humbly shows. That the Complainants heretofore filed their original Bill of Complaint in this Court, against a certain Susan A. R. Taylor & others of said County & State, praying amongst other things for a sale of the Real Estate whereof Griffin Taylor, late of the aforesaid County died seized and possessed as is in said Bill particularly set forth, to which bill the defendants answered, and other proceedings were had, as by the same proceedings now in this Court well appear. Your complainants further state that subsequently to filing their aforesaid original Bill, they having discovered that the said Griffin Taylor, and Susan A. R. Taylor his wife, had as to one portion of the said Real Estate - executed a deed of trust, to Bushrod Taylor of Winchester Virginia, for the security, and benefit of one Province McCormick & Mrs. Nancy Taylor, as well more fully appear by reference to said deed of trust, a true copy whereof is filed in this cause, marked exhibit No. 9 & having also discovered that William M. Merick, formerly of Frederick, Maryland had been appointed Trustee for certain purposes, by the Frederick County Court, as a Court of Equity instead of the aforesaid Bushrod Taylor, who was then deceased, filed their amended Bill of Complaint, changing the facts above recited, and praying your Honor to pass an order, making the said William M. Merick a party defendant in this cause &c. Your orators further charge by way of amendment in this their second supplemental Bill of Complaint that the said William M. Merick duly made answer to the aforesaid original and amended Bill, which answer has been filed in this cause, and to the contents whereof reference is hereby made for a more full exposition of the motives impelling your complainants to file this second-amended bill. Your orators further charge that the aforesaid William M. Merick, being only appointed a Trustee for a definite purpose, and by the order above referred to, being invested but limited and specific powers, is not competent to make full answer in the premises without the assent & concurrence of the beneficiaries under the aforesaid deed of trust, by Province McCormick & Mrs. Nancy Taylor. To the end therefore - that the said Province McCormick & Mrs. Nancy Taylor may answer this second amendment, as well as the matters charged in the original Bill & the amendment first filed in this cause & that your orators may have such further, or other relief, as their case may require. May it please your Honor to grant unto your orators an order of publication, giving notice to the said Province McCormick, who is a non-resident of the substance & object of the original Bill of Complaint, with its amendments, & warning him to appear in this Court, in person, or by solicitor, on or before a certain day, to answer the premises, and show cause, if any he has why a decree ought not to pass as prayed, and also a writ of Subpoena